

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
V.	)	No. 04-10294-GAO
	)	
DWIGHT COLE	)	

ASSENTED-TO MOTION TO  
EXCLUDE TIME UNDER SPEEDY TRIAL ACT

The United States of America, through its attorney, James P. Dowden, with the assent of counsel for the defendant, Charles P. McGinty, Esq., respectfully requests that the Court enter an Order excluding all time from March 7, 2007 to and including July 12, 2007 (the date of the next Status Conference scheduled in this matter) under the Speedy Trial Act. In support of this motion, the government states the following:

1. Defendant Dwight Cole ("Cole") was indicted on September 22, 2004 in a three count indictment charging theft of mail, in violation 18 U.S.C. §1709.

2. Since March 7, 2007 the parties have been involved in discussions to determine whether Mr. Cole may be an appropriate candidate for participation in a Pre-Trial Diversion Program ("Pre-Trial Diversion"). This process has required an evaluation of Mr. Cole's suitability for such a program by Pre-Trial Services. Pre-Trial Services concluded its evaluation of this matter on June 6, 2007. The matter has now been forwarded to the appropriate supervisory officials in the United States Attorney's Office for a final determination as to whether Mr. Cole is an acceptable candidate. The parties anticipate that a final decision will be made by the United States Attorney's Office by the time of the next status conference scheduled in this matter for July 12, 2007.

5. The parties agree that, pursuant 18 U.S.C. §3161(h)(8)(A), it is in the interests of justice

to exclude all time from March 7, 2007 until the Court's next scheduled status conference in this case.

WHEREFORE, the government respectfully requests that Court exclude all time from March 7, 2007 to and including July 12, 2007.

Respectfully Submitted,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: June 12, 2007

/s/ James P. Dowden  
James P. Dowden  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

This is to certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on June 12, 2007.

/s/ James P. Dowden  
JAMES P. DOWDEN  
Assistant United States Attorney